

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Kent v. Carrigan, 2010 NSSC 165

Date: 20100416

Docket: SFHMCA-046667

Registry: Halifax

Between:

Jeannine Claudette M. Kent

Applicant

v.

Glen Robert Carrigan

Respondent

Judge:

The Honourable Justice R. James Williams

Heard:

April 6, 2010, in Halifax, Nova Scotia

Counsel:

Judith Schoen, for the Applicant, Jeannine Kent
B. Lynn Reiersen, for the Respondent, Glen Carrigan

By the Court:

[1] This is an application for costs arising from a trial held over three days in July of 2008 that dealt with property and spousal support issues arising from the relationship and separation of Jeannine Kent and Glen Carrigan. I gave an oral decision on July 3, 2008.

[2] After some considerable delay, the parties asked to have the matter set down on April 6, 2010 to deal with the issue of costs and issuance of the Order from the trial. Ms. Kent did not appear. Her counsel appeared and lacked instructions.

[3] I have reviewed the file and my decision. The parties had mixed success at trial.

[4] Ms. Kent's positions on the promissory note and business assets extended, complicated the proceeding. Mr. Carrigan had relative success on these and the spousal support issues. Ms. Kent had more success on the property issue as it related to their Purcell's Cove property.

[5] I have reviewed the case law and submissions of Mr. Carrigan's counsel and the relative civil procedure rules.

[6] I conclude that it is not an appropriate circumstance for a significant order of costs; that an appropriate order is that Ms. Kent pay Mr. Carrigan \$1,000.00 in costs by April 30, 2010.

J. S. C . (F. D.)

Halifax, Nova Scotia